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STATE OF NEW JERSEY  
DEPARTMENT OF LAW & PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS  
STATE BOARD OF NURSING

IN THE MATTER OF THE LICENSE OF	:	Administrative Action
	:	
	:	<input checked="" type="checkbox"/> PROVISIONAL ORDER
	:	OF DISCIPLINE
	:	
	:	<input checked="" type="checkbox"/> FINAL ORDER
	:	OF DISCIPLINE
	:	(Finalized by default
	:	on <u>June 20, 2016</u> )
	:	

WILHELMINA ALPHA, LPN  
License # 26NP06497000

TO PRACTICE NURSING IN THE  
STATE OF NEW JERSEY

This matter was opened to the New Jersey State Board of Nursing ("Board") upon receipt of information which the Board has reviewed and upon which the following findings of fact and conclusions of law are made:

### FINDINGS OF FACT

1. Wilhelmina Alpha ("Respondent") is a Licensed Practical Nurse (LPN) in the State of New Jersey and has been a licensee at all relevant times. (Exhibit A).
2. The Board received information indicating that Respondent's employment as a pediatric home care nurse had been terminated for sleeping while on the job, taking narcotics prior to work, and pre-documenting medical records after Respondent had acknowledged in an interview with her employer that she may have dozed off for a minute because she was sleepy from taking two medications prior to her shift and that she had pre-documented nursing notes. The Board also received information from the parents of the pediatric patient, including photographs of the nursing notes. (Exhibit B).
3. After receiving information from Respondent's employer and the parents of the pediatric patient, the Board sent Respondent a Demand for Written Statement Under Oath seeking information about the incident, her termination from employment, her nursing practice, and continuing education. (Exhibit C).
4. Respondent replied and maintained that she told the father of the pediatric patient that she was still working on the nursing notes and that changes could be made as she did her

hourly narrative. She acknowledged that there was a disagreement about whether she or the parents would take possession of the notes. The police responded to the scene and asked Respondent to give them any notes that she had. She gave the note that she had to the police and they gave it to the parents. (Exhibit D).

#### CONCLUSIONS OF LAW

Respondent's termination as a pediatric home care nurse for sleeping on the job, taking narcotics prior to her shift, and pre-documenting nursing notes raises sufficient concern to warrant testing, monitoring, evaluation, and treatment, as a condition for continued licensure, to evaluate whether Respondent's continued practice as a nurse may jeopardize the safety and welfare of the public pursuant to N.J.S.A. 45:1-2(f) and whether treatment may be necessary to properly discharge the functions of a licensee pursuant to N.J.S.A. 45:1-22(e).

ACCORDINGLY, IT IS on this 15<sup>th</sup> day of December, 2015, ORDERED that upon the filing of a FINAL ORDER OF DISCIPLINE in this matter:

1. Respondent shall undergo a comprehensive mental health and substance abuse evaluation, including monitoring, under the auspices of the Board's designated intervention program, the

Recovery And Monitoring Program ("RAMP") and shall gain RAMP's support for continued active licensure. Respondent shall enroll in RAMP, and begin participation for purposes of obtaining a comprehensive mental health and substance abuse evaluation, within thirty days of filing of any Final Order in this matter.

2. By undergoing evaluation, Respondent expressly waives any claim of privilege or confidentiality that she may have concerning RAMP reports and disclosures to the Board, and use by the Board of that information in any proceedings.

3. All costs associated with the evaluation, monitoring, and/or treatment outlined above shall be the responsibility of, and paid directly by, Respondent.

4. The within order shall be subject to finalization by the Board at 5:00 p.m. on the thirtieth day following entry hereof unless Respondent requests a modification or dismissal of the above stated Findings of Fact or Conclusions of Law by:

a) Submitting a written request for modification or dismissal to Leslie Burgos, Board of Nursing, 124 Halsey Street, Sixth Floor, P.O. Box 45010, Newark, New Jersey 07101.

b) Setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed.

c) Submitting any and all documents or other written

evidence supporting Respondent's request for consideration and reasons therefor or offered in mitigation of penalty.

5. Any submissions will be reviewed by the Board and the Board will thereafter determine whether further proceedings are necessary. If no material discrepancies are raised through a supplemental submission during the thirty-day period, or if the Board is not persuaded that the submitted materials merit further consideration, a Final Order of Discipline will be entered.

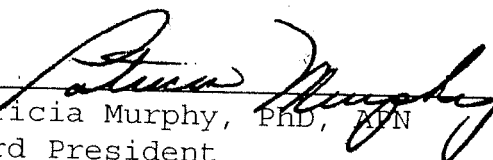
6. In the event that Respondent's submissions establish a need for further proceedings, including, but not limited to an evidentiary hearing, Respondent shall be notified with regard thereto. In the event that an evidentiary hearing is ordered, the preliminary findings of fact and conclusions of law contained herein may serve as notice of the factual and legal allegations in such proceeding. Further, in the event a hearing is held and upon review of the record, the Board shall not be limited to the findings, conclusions and sanctions stated herein.

7. In the event that the Board receives no written submission from Respondent within 30 days following filing of this Provisional Order of Discipline, without further Board

review, the Provisional Order of Discipline shall automatically become the Final Order of Discipline. The box for Final Order of Discipline shall be checked, the Final Order of Discipline shall be filed, and copies shall be mailed to Respondent. Thereafter, Respondent's failure to comply with any sanction or penalty imposed by this Order shall be considered a violation of a Board Order in contravention of N.J.S.A. 45:1-21 (e) and (h) and N.J.A.C. 13:45C-1.4 and may subject Respondent to additional sanction and/or penalty.

8. The Board reserves the right to take action based upon the results of the comprehensive mental health and substance abuse evaluation, or upon any new information received.

NEW JERSEY STATE BOARD OF NURSING

By:   
Patricia Murphy, PhD, RN  
Board President